

**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
May 05, 2008**

CALL TO ORDER

Chairman James Balderrama called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:00 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

PRESENT: Chairman James Balderrama, Board Members: Jerry Carris, James Dunn, Mac McKinney, Rohan Ramlackhan, Xerxes Snell, and James Gentry. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Economic Development Director Dolores Key, Executive Assistant to City Manager Andrea Vaughn, Planning Director Ed Williams, Chief Planner Tim Wilson, Planner Brandon Byers, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

1. APPROVAL OF MINUTES

Approval of minutes from regular meeting held April 07, 2008

Motion by Jerry Carris to approve the above minutes. Seconded by Xerxes Snell, the motion carried unanimously 7-0.

Variances and Special Exception Permits

2. 671 Business Park Blvd. - Variance

Planner McGruder presented the Board with a request for approval of 6 foot front yard setback variance for property located at 671 and 691 Business Park Blvd. If approved,

this variance will allow the property owners to construct an entry feature on the front of the existing buildings. Staff recommends approval of the requested 6 foot front yard setback variance to allow construction of an entry feature as part of the building renovation and improvements to the existing warehouse buildings and with the condition that all existing junk vehicles, junk storage such as lawn mowers, lawn equipment, etc be removed from the property or stored inside the warehouse bays and that the property be cleaned up prior to the issuance of any building permits.

Paul Richards, 671 Business Park Blvd., Winter Garden, approached the Board and stated that they purchased the subject property approximately four months ago, and their main agenda at this time is to clean up the property. In response to Jerry Carris question, Mr. Richards stated that they agree with City Staff conditions.

Motion by Jerry Carris to approve the Variance with City Staff conditions (see attached). Seconded by James Gentry, the motion carried unanimously 7-0.

3. 535 North Main Street - Variances

Planner Byers stated that the subject item was tabled from last month's Planning and Zoning Board meeting, with the intention to have the City Staff analyze the drainage situation on the lot. Mr. Byers stated that included in the agenda package is an e-mail from Assistant City Engineer Mike Kelley explaining the issues related to drainage on the subject property. Mr. Byers also provided the Board with an email from John Danwell in support of the variance. Planner Byers explained that this is a request for approval of the following variances: 35' lot width variance, 3250 sq. feet lot area variance, 5' side yard setback variance, and 22' rear yard setback variance. Mr. Byers added that on October 03, 2005, the applicant was granted a lot split and some variances, to include the 35' lot width variance and the 3250 sq. ft. lot area variance. The applicant is now requesting additional variances, to include 5' side yard setback variance and a 22' rear yard setback variance, since the detached garage is located within the setback. City Staff has reviewed the application and recommends approval with the following conditions:

1. The final design for the new house must be similar in design to the drawings submitted with the variance request.
2. Prior to the start of construction, the applicant must provide evidence that the previously approved lot split was filed with the Orange County Property Appraiser's office.

Vicky Mobley, 527 N. Main Street, Winter Garden, approached the Board and spoke in opposition to the subject petition. She stated that she would like to be reassured by the City that if there is flooding in her property because of the new construction, that the City will interfere and resolve the problem.

Tommy DeLoach, 526 N. Main Street, Winter Garden approached the Board and spoke in support to the subject petition.

Kevin Michael, 535 N. Main Street, Winter Garden, approached the Board and provided the Board with graphics of the proposed elevations and the drainage plan. He also stated that the engineering plans are complete. Mr. Michael asked the people in the audience who were in support of the subject petition to stand up. Six people stood up.

Pam Phillips, 535 North Main Street, Winter Garden, approached the Board and asked the Board Members for their support.

Carl Jacobs, 545 N. Main Street, Winter Garden, approached the Board and spoke in support of the subject petition, stating that having a two-car garage will help keep cars off of the side of the street.

Motion by Jerry Carris to approved the Variances with City Staff conditions (see attached). Seconded by James Gentry, the motion carried unanimously 7-0.

4. 1627 Charlemagne Court - Variance

Planner Byers presented the Board with a request for approval of a 7' rear yard setback variance to allow the property owners of 1627 Charlemagne Court to build an addition to their single-family home. City Staff has reviewed the application and recommends approval.

Clifford Woodard, 1627 Charlemagne Court, Winter Garden, approached the Board and stated that there are similar structures in his community (*Tuscany*), and stated that his request is not out of the ordinary.

Motion by James Dunn to approve the Variance. Seconded by Jerry Carris, the motion carried unanimously 7-0.

5. Roper YMCA - SEP

Planner Byers presented the Board with a request for approval of a Special Exception Permit for property located at 100 Windermere Road (Roper YMCA) to allow the property owners to build an addition to their existing recreational facility. City Staff recommends approval with the conditions included in the Engineering Department's memo dated April 15, 2008.

In response to Mac McKinney's question, Mr. Byers explained that the property was annexed into the City in a R2 zoning district, and as an effort to avoid a non-conforming

use in the City, the applicant needs to go to the Special Exception Permit process to make the addition legal.

Will and Leslie Roberson, 12100 Marshall Farms Road, approached the Board and stated that they live directly west of the YMCA. They spoke in opposition to the subject petition, stating concerns related to parking, garbage left along the streets, and the lack of having appropriate buffer or fence between the YMCA and their property.

Mike Bollhoefer stated that City Staff has placed “no parking” signs along Mr. Robertson’s property and all the way along Marshall Farms Road to the main YMCA structure. Mr. Bollhoefer showed Mr. Roberson the plans and the proposed parking.

Chairman Balderrama asked City Staff if the applicants have met the parking requirements. Planner Byers responded affirmatively. City Manager Bollhoefer explained that as requested by the YMCA, City Staff worked with the Turnpike Authority to grant permission to the YMCA to use the space between the retention ponds for overflow parking.

Motion by James Gentry to approve the Special Exception Permit with City Staff conditions (see attached). Seconded by Xerxes Snell the motion carried unanimously 7-0.

6. Budget Car Rental, 13105 W. Colonial Drive - SEP

Planner McGruder presented the Board with a request for approval of a Special Exception Permit for property located at 13105 W. Colonial Drive (K-Mart Shopping Center). If approved, this Special Exception Permit will allow the applicants to provide car and suv/pick up truck rental services at the existing retail shopping center. The applicant will have a small kiosk office located inside the K-Mart store. City Staff recommends approval of the Special Exception Permit with the following conditions:

1. Maximum of 10 vehicles allowed on site at any time.
2. All parked vehicles must be parked in one of the 10 dedicated Budget Car Rental parking spaces. Parking of rental vehicles in other dedicated customer parking spaces is not allowed at this location.
3. Applicant may only provide rental services for cars, pickup trucks and sport utility vehicles. Rental services for large trucks, u-hauls, and vans will not be allowed at this site.
4. No additional signage will be allowed at this site unless K-Mart reduces/eliminate some of their existing signage. All new signage must comply with City Code Section 118.1430.

Mary Beth White, of Budget Car Rental, approached the Board and stated that she was the applicant representing Budget Car Rental. She explained that the dedicated parking spaces will be located at the end of the parking lot, away from the main entrance to the store.

Motion by Roham Ramlackhan to approve the Special Exception Permit with the conditions included in the agenda package (see attached). Seconded by James Dunn the motion carried 7-0.

7. 238 N. Highland Avenue - Variance Extension

Planner Byers presented the Board with a request for approval of a 365-day variance extension for a 7 foot side yard (south) setback variance to build a detached garage and a request for an 8 foot side yard (south) setback variance to construct a carport for property located at 238 N. Highland Avenue. Mr. Byers explained that the applicant built the detached garage, but the carport has not been built.

Motion by Jerry Carris to approve the Variance Extension. Seconded by Xerxes Snell, the motion carried unanimously 7-0.

Lot Splits

8. 1225 N. West Crown Point

Planner McGruder presented the Board with a request to approve a lot split for property located at 1225 N. West Crown Point Road to allow the property owner to subdivide the property into two 190' x 162' buildable lots. City Staff has reviewed the application and recommends approval.

Motion by Jerry Carris to approve the Lot Split. Seconded by James Dunn, the motion carried unanimously 7-0.

9. Windward Cay Phase 3

Planner Byers presented the Board with a request to approve a lot split for Windward Cay Phase 3 to create a 122' x 127' commercial lot. City Staff has reviewed the application and recommends approval with the conditions included in the Engineering Department memorandum dated April 30, 2008 and the letter from the City Attorney dated May 02, 2008. Also prior to recording of the lot split, the applicant needs to address the City Staff comments to include the warranty deed and some easements.

James Dunn stated that he must abstain from voting, due to his capacity as broker for the subject property.

Motion by Xerxes Snell to approve the Lot Split with Staff conditions (see attached). Seconded by Mac McKinney, the motion carried unanimously 7-0.

Rezoning

10. Apex Commerce Center PCD (Planned Commercial Development)

Planner McGruder explained that this item is a request for approval of Ordinance 08-13, rezoning the subject property from City C-2 to City PCD for property located at 310, 330 and 350 East Crown Point Road. She added that the applicant has requested the item to be postponed indefinitely.

In response to Chairman Balderrama's question, City Manager Bollhoefer stated that the City and Developer are still working together to finalize the uses to be allowed in the PCD.

Motion by James Dunn to postpone the item indefinitely. Seconded by Jerry Carris, the motion carried unanimously 7-0.

Miscellaneous

11. Evaluation and Appraisal Report (EAR) for City's Comprehensive Plan

Chief Planner Wilson explained that every seven years the Florida Statutes requires that each Jurisdiction updates their comprehensive plan and do an Evaluation and Appraisal Report (EAR). He stated that the Evaluation and Appraisal Report for the City of Winter Garden is due this year, and added that included in the agenda package is the drafted major issues list, the proposed schedule and a flow chart that outlines the process that will include workshops and public hearings. Mr. Wilson stated that the focus of the EAR is to give the City an opportunity to critique the goals and policies stated in the existing Comprehensive Plan as well as to move forward and decide what the City would like to do for the community from the Comprehensive Plan stand point. The five major categories are:

1. Mixture of uses in the Downtown Core
2. Redevelopment/Revitalization
3. Transportation
4. Activity Centers
5. Residential Neighborhoods

Mr. Wilson explained that a modified list will be prepared for the City Commission for their review and action. Afterward, the City will prepare a “Letter of Understanding”, which is the submitted list to the Department of Community Affairs (DCA) for their initial review; after response to that letter from DCA, the City will proceed to prepare the EAR. Mr. Wilson informed the Board that City Staff will have a workshop in September to review the report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:20 p.m.

APPROVED:

ATTEST:

Chairman James Balderrama

Planning Technician Lorena Blankenship